

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

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December 31, 2007

CHIEF COUNSEL LETTER: 07-01

ALL LCSA CHIEF COUNSELS\LEAD ATTORNEYS

Reason for this Transmittal

- ☐ State Law or Regulation Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Change
- ☐ Clarification requested by One or More Counties
- ☒ Initiated by DCSS

SUBJECT: CALIFORNIA CHILD SUPPORT AUTOMATED SYSTEM (CCSAS)
PAYMENT RECORDS ARE OFFICIAL RECORDS

INTRODUCTION

With the implementation of the California Child Support Automated System (CCSAS), questions have been raised regarding the nature of CCSAS computerized records pertaining to collection and distribution of support payments. A lack of understanding of the true nature of the processes involving statewide collection and distribution through the State Disbursement Unit (SDU) contributed to this confusion. The purpose of this Chief Counsel's letter is to clarify misunderstandings and clearly define the nature and legal character of CCSAS payment records. This letter may be used to establish the CCSAS payment records as official records, and may also be used to establish the foundational basis for admission of those records in court.

BACKGROUND

Federal law mandates the state agency administering the State IV-D program to have in operation a single statewide automated data processing and information retrieval system that can perform specific tasks required by federal law. 42 USC §654a(a). In California, this responsibility falls on the Department of Child Support Services (DCSS) as the statewide IV-D agency. Family Code §17308. The required automated system is for the use of the entire IV-D agency structure including DCSS and the local child support agencies (LCSAs) that are tasked with conducting day to day child support activities. Family Code §§ 17202 and 17304. California is implementing CCSAS as mandated by 42 USC §654(a)(a) and Welfare and Institutions Code §10080(b)(1). CCSAS is a set of integrated computerized systems owned and operated by DCSS which is operative in every county of the state. Welfare & Institutions Code §§ 10081(b) and 10082(a). As such, CCSAS is used and its data are constantly updated and managed by child support professionals at DCSS, the LCSAs and their respective agents.

CCSAS includes the SDU and the Child Support Enforcement (CSE) system. 42 USC §654a(g) and Welfare & Institutions Code §10082(a). The SDU is a federally required function and unit that must be operated by the State IV-D agency for the collection and disbursement of support collections. 42 USC §654a(g). In California, the SDU is managed and controlled by the State Disbursement Branch of the Operations Division of DCSS. The SDU processes collections and identifies obligors to be credited for those collections. Other systems within CCSAS validate the identification of each collection obligor, post the collection into CSE, allocate the collection among obligees and issue disbursement instructions to the SDU. Family Code §§17311 and 17311.5. The SDU's automated processes are part of CCSAS as mandated by 42 USC 654a(g), Welfare & Institutions Code §§ 10080(b)(1), 10081(b) and 10082(a). It is seamlessly integrated into the entire system and is not an independent, unconnected component.

Federal law provides two choices to states operating an SDU--direct operation by the State IV-D agency or operation by a contractor directly responsible to the state agency. 42 USC §654b(a)(2). In California, the Legislature provided authority to DCSS to make the necessary contractual agreements with another agency or entity to operate the State's SDU. Family Code §17308. Through a regular state contracting process, DCSS selected the current business partner, Bank of America, to operate the SDU under the direct control and supervision of the state agency and pursuant to all federal and state laws.

Therefore, the processing and recording of collections is an official duty of DCSS pursuant to federal and state law.

THE PAYMENT RECORD

Collections that are received and identified by the SDU are recorded in the CCSAS Child Support Enforcement (CSE) system. The CCSAS payment record reflects collections and disbursements on specific child support accounts and can be accessed by DCSS and LCSA staff. A CCSAS payment record serves as a copy of the computerized record and information contained therein. Such records represent the official record of DCSS with respect to events of collections and distributions. The report entitled "Non Custodial parent Payment History" describes the following:

- Date Range (the date range is entered by the individual requesting the record)
- Date of the collection (the date that the SDU processes the collection document)
- Logical Collection ID (unique identification number for the collection)
- Transaction date (the date that the CSE processes the collection)
- Payment source (the following payment source descriptions may appear on the payment record):
 - Bankruptcy Trustee
 - Board of Equalization Sales Tax Intercept

- California State Lottery Intercept
- CalPERS Retirement Intercept
- Civil/Criminal Contempt Purge Payment
- CP Repayment of Overpayment
- Department of Industrial Relations – Workers Compensation Lump Sum Lien
- Department of Industrial Relations – Workers Compensation of Recurring Benefits (withholding)
- Department of Treasury – IRS Full Collection
- Department of Treasury FMS – Administrative Offset
- Department. of Treasury FMS – IRS Tax Intercept
- EDD – Disability Insurance Benefit Intercept
- EDD – Unemployment Insurance Benefit Intercept
- FTB – California State Tax Intercept
- FTB – Full Collection
- Income Withholding Order
- Insurance Companies – CIIP (California Insurance Intercept Program) Lien
- Insurance Companies – CIIP Withholding
- Insurance Companies – Wage withholding Order on Recurring Insurance Benefits
- Insurance Companies – Writ of Execution of Lump sum Insurance Settlement
- Interstate Collections
- Interstate Fee
- Lien on Real or Personal Property
- NCP – Judgment Debtor Examination Asset Turn Over Order
- NCP – Lien Filed Against Civil Suit or Probate Case
- NCP – Regular Payment
- Security Deposit of Assets/Security Deposit of Money
- Voluntary Military Allotments
- Writ of Execution
- Direct Payment (payment made by the NCP directly to the CP)
- Collection or Adjustment Amount
- Process Status (includes allocated, refund requested)
- Case number (for each allocated amount)
- Allocated Amount

A sample of “Non Custodial Parent Payment History” report is attached. This record and any subsequently developed record with substantially the same format and content constitutes an official record of collections from a noncustodial party and the distribution of those collections for the date range represented on the record.

THE CCSAS PAYMENT RECORD IS A RECORD MADE BY PUBLIC EMPLOYEES

Collections received by the SDU are identified and matched to accounts in CCSAS. Upon matching and verification, the collections are posted in CCSAS as collections received for the matched account. All processes and final results are controlled and managed by state employees in the State Disbursement Branch.

Under California law, public employees include officers, agents, and employees of public entities. Evidence Code §195. The processing and recording of support payments, as well other child support account information, in the SDU and CCSAS is performed by public employees, such as county child support employees, and state child support employees, through their agents such as Bank of America. Since all individuals in this process are considered to be public employees, the records created in CCSAS are official records that have been made by and within the scope of a public employee.

CCSAS PAYMENT RECORDS ARE CREATED TIMELY AND ACCURATELY

Federal law requires that the SDU must disburse payments it receives pursuant to 42 USCS § 657(a) within 2 business days after it receives the collection. Federal law defines business day as a day on which state offices are open for regular business. 42 USC 654b. The following processes ensure compliance with these federal mandates.

Each business day, the SDU receives hard copy and electronic collections from a variety of sources including non-custodial parents, employers, federal and state intercept agencies, and other states. The SDU picks up mail at pre-determined daily intervals such that all collections received can be processed the same day. The SDU system captures and compares the payment information from the collection against relevant CSE account information to make an initial identification of the payor whose account is to be credited. The SDU then transmits collection transaction information and the identity of the payor to the CSE system. The CSE system validates the payor identification, allocates the collection to the appropriate accounts and posts that information. The CSE system then prepares and transmits payment instructions to the SDU. The SDU disburses support payments pursuant to the CSE instructions such that the federal two business day timeframe is met.

Federal law envisioned and required building child support automated data processing systems that become the core of delivering child support services. The CCSAS systems, including the SDU and CSE, were developed and are being implemented with built-in security, validation, and control processes to ensure that data posted in the system are accurate and reliable. State IV-D program employees, including county and state employees, and their agents, are statutorily required to enter child support data

accurately and timely into the CCSAS. This data are available to and relied upon by all IV-D program employees to perform their child support program duties and responsibilities. In addition, all processes in the system comply with specific provisions in federal and state law.

With respect to payment records, posting of collections and disbursements represent the recordation of events and acts that have been performed, verified and accepted by public employees. The underlying events and acts are performed within the official duties of child support public employees.

THE PAYMENT RECORD IS AN OFFICIAL RECORD

The CCSAS payment record is an official record, created by and within the scope of duty of public employees, created at the time of the events and acts recorded, and built on trustworthy processes specified by law. Standing alone, they represent the facts and events recorded in them. Title IV-D program employees have an official duty to enter data into the CCSAS in a timely and accurate manner and such duties are presumed to be regularly performed. Evidence Code §664. Therefore, a CCSAS CSE/SDU payment record is an official record of payments received by the SDU.

If you have any questions or concerns regarding this matter, please contact Janet Ballou at (916) 464-5181.

Sincerely,

DANIEL LOUIS
Chief Counsel
Office of Legal Services

Enclosure

Non Custodial Parent Payment History -- IV-D Cases

Date of Collection	Logical Collection ID	Transaction Date	Payment Source	Collection/Adjustment Amount	Process Status	Case Number	Allocated Amount
01/01/2006	0101200609801404.00001.00	01/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.80
01/01/2006	0101200609801404.00001.00	01/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.20
02/01/2006	0201200609901304.00001.00	02/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.80
02/01/2006	0201200609901304.00001.00	02/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.20
03/01/2006	0301200610001204.00001.00	03/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0590303185978	\$168.80
03/01/2006	0301200610001204.00001.00	03/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.20
04/01/2006	0401200610101104.00001.00	04/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.81
04/01/2006	0401200610101104.00001.00	04/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.19
05/01/2006	0501200610201004.00001.00	05/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.81
05/01/2006	0501200610201004.00001.00	05/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.19
06/01/2006	0601200610300904.00001.00	06/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.81
06/01/2006	0601200610300904.00001.00	06/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.19
07/01/2006	0701200610400804.00001.00	07/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.81
07/01/2006	0701200610400804.00001.00	07/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.19
08/01/2006	0801200610500704.00001.00	08/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788789	\$168.81
08/01/2006	0801200610500704.00001.00	08/01/2006	NCP-REGULAR PAYMENT	\$386.00	ALLOCATED	0023456788790	\$217.19

Total Amount Allocated Per IV-D Case

Case Number	Amount Allocated
0023456788789	\$1,350.45
0023456788790	\$1,737.55

Total Amount Per Process Status

Allocated: \$3088

Refunded: \$0

Suspended: \$0

Backed-Out: \$0

Non Custodial Parent Payment History -- Non IV-D Cases

Date of Collection	Logical Collection ID	Transaction Date	Payment Source	Collection/Adjustment Amount	Process Status	Case Number	Allocated Amount

Total Amount Allocated Per Non IV-D Case

Case Number	Amount Allocated

Total Amount Per Process Status

Allocated: \$

Refunded: \$

Suspended: \$

Backed-Out: \$

Non Custodial Parent Payment History -- Direct Payments

Verified Date of Collection	Logical Collection ID	Reported Payment Date	Payment Source	Reported Amount	Process Status	Case Number	Amount Credited

Total Amount Allocated Per Non IV-D Case

Case Number	Amount Allocated

Total Amount Not Credited: \$

Total Amount Reported: \$

Non Custodial Parent Payment History -- Staging Area

Date of Collection	Logical Collection ID	Transaction Date	Payment Source	Created By	Event Type	Legacy Case Number	Event Amount

Totals By Event Type

Event Type	Total